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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/660,045 | 09/10/2003 | Donald E. Weder | 8403.987 | 5780 |

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| EXAMINER |
| TAWFIK, SAMEH |

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| ART UNIT | PAPER NUMBER |
| 3721 | |

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,045

Applicant(s)

WEDER, DONALD E.

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09032004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-12 and 22-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12 and 22-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09102003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group IV (claims 10-12 and 22-24) and the submission of new claims 25-54 in the reply filed on 09/03/2004 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-12, 22-32, 34-36, 38-47, and 49-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Straeter (5,537,799).

Straeter discloses a method of forming a bag and bag having a flora grouping disposed therein, comprising a sheet of material (Figs. 2 and 12) folded to form a tubular sheath (Figs. 10, 11, and 13) with the a first portion engaging a second portion to define a first area of engagement (Fig. 10; via forming a cone), the tubular sheath having an interior surface (Fig. 10; via 38d), an exterior surface, an end top end and a bottom end (Figs 10 and 11), the interior surface defining an inner interior retaining space, the bottom end of the tubular sheath being closed to define a second area of engagement (Figs. 10 and 11; via closed by 74); a bonding material (Fig. 12; via bonding area 84) for sealing the first area of engagement and the second area of engagement wherein the bonding material for sealing the first area of engagement and the second area of engagement is disposed solely on the first area of engagement and the second area of engagement (Fig. 12; via bonding material 84 only on the first and second area of engagement;

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via edges of the sheet); and a floral (28) grouping held and retained in the inner interior retaining Space (Fig. 13).

Regarding claims 11 and 23: the sheet of material has a thickness in a range of from 0.1 mil to about 30 mil (column 3, lines 24-27).

Regarding claims 12 and 24: the sheet of material is selected from the group consisting of treated or untreated paper, cellophane, metal foil, polymer film, non-polymer film, cardboard, fiber, cloth, burlap, laminations and combinations thereof (column 3, lines 10-22).

Regarding claims 25, 26, 40, and 41: the bonding material is an adhesive/cohesive (via 84).

Regarding claims 27, 28, 42, and 43: the first area of engagement is a fine seal/lap seal (Figs. 5 and 6).

Regarding claims 29, 30, 44, and 45: the second area of engagement is a fine seal/a lap seal (Figs. 12 and 13).

Regarding claims 31 and 46: the sheet of material includes a scent (Figs. 10 and 11; via the smell of the flowers).

Regarding claims 32 and 47: the sheet of material includes a decorative design or pattern (Figs. 3 and 4; via cone shape).

Regarding claims 34 and 49: the sheet of material includes an embossed pattern or design (Figs. 3 and 4; via cone design).

Regarding claims 35, 36, 50, and 51: the sheet of material includes an embossed design (Figs. 3 and 4; via cone design).

Regarding claims 37, 38, 51, and 52: the sheet of material includes an iridescent effect, note it is known and inherent the flora's wrap is iridescent.

Regarding claims 39 and 54: the sheet of material includes a metallic finish (column 3, line 15; via foil).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33 and 48 rejected under 35 U.S.C. 103(a) as being unpatentable over Straeter (5,537,799) in view of Weder (6,733,612).

Straeter does not disclose that the sheet of material includes prints. However, Weder discloses a similar method and product comprising prints on the sheet (Fig. 4; via prints and design 50) to decorated the web.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Straeter's method and product by having prints and designs on the wrapping sheet, as suggested by Weder, in order to have attractive and decorated wrapping sheets.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik
Patent Examiner
Art Unit 3721



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